

REMARKS

The undersigned attorney thanks Examiner Tomaszewski for his careful review of this patent application and for his gracious cooperation in advancing the application. Claims 1-8, 17-19, 24-28, 32-33, and 35 are currently pending in this Application. Claims 1, 17, 19, 24, 28, and 35 have been amended, claims 29-30 and 34 have been cancelled, and claims 36-38 have been added.

A. Interview Summary

The undersigned attorney thanks Examiner Tomaszewski for his kind participation in an Examiner Interview held December 5, 2007. During the interview Examiner Tomaszewski and the undersigned attorney discussed amendments to the pending claims and the cited references. During the interview, Examiner Tomaszewski and the undersigned attorney reached agreement regarding claim amendments that would place the present application in condition for allowance.

B. Brief Summary of the Claimed Invention

The Applicant respectfully submits that the claimed invention is patentable over the cited references, as explained in greater detail below with reference to the specific rejections. The claimed invention is directed toward a system and method for improving the performance of a healthcare facility and reducing the insurance costs associated with the healthcare facility.

As described in the patent application, there are many risks associated with operating a healthcare facility. These risks may be reduced using various techniques directed toward fall prevention, wound care, documentation guidelines, nutritional issues, security issues, pharmacy/drug programs, sexual harassment programs, and other similar issues. See patent application p. 9 ln. 3-11. Typical healthcare facility insurance programs base insurance rates on a facility's past performance and past insurance claims as well as typical performance within the industry. The claimed invention provides a system and method for improving the performance of a healthcare facility by implementing a program designed to reduce the risks of accidents, thereby reducing the cost of insuring the facility. Such reduction in the cost of insuring the facility is achieved by the mandated parameters of the insurance program requirements through

conformance and monitoring applications and third party participation. The program includes specific program requirements to be followed by the healthcare facility. Additionally, the healthcare facility's conformance with these program requirements is monitored to assure that the healthcare facility is following the program. See p. 9 ln. 12 - p. 10 ln. 23. By assuring that the healthcare facility is following the program, the insurance company is able to reduce the risk of claims and thus can offer lower rates to the healthcare facility.

C. The 35 U.S.C. § 103 Rejections based on Kniesner in view of Minturn

Claims 1-2, 5-8, 24-28, and 33-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kniesner ("Improving Workplace Safety Standard or Insurance", Fall 1991, Regulation. Vol. 14, Iss. 4, p. 64, 2000; hereinafter "Kniesner") in view of U.S. Patent No. 5,692,501 to Minturn (hereinafter Minturn). Additionally, claims 3-4, 17-19, 29-30, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martinez, Minturn, and further in view of Official Notice.

The Applicant respectfully submits that the present invention is patentable over the present rejections for at least the following reasons: (1) Kniesner is not an enabling disclosure; (2) the pending claims are not obvious in light of Kniesner and Minturn; and (3) Kniesner and Minturn can not be combined to teach the claimed invention. However, in order to expedite the advancement of the present application to issuance, the Applicant has amended the pending claims to more particularly claim the present invention.

The Applicant respectfully submits that the present amendments were not necessary for patentability, but were made solely to expedite prosecution of the present application. Accordingly, the Applicants reserve the right to pursue the previously pending claims in a related application.

CONCLUSION

The foregoing is submitted as a full and complete response to the *Office Action* mailed March 8, 2007. It is respectfully submitted that claims 1-8, 17-19, 24-28, 32-33, and 35-38 are in condition for allowance and that each point raised in the *Office Action* with regard to these claims has been fully addressed. Therefore, it is respectfully requested that the rejections be withdrawn and that the case be processed to issuance in accordance with Patent Office Business.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please contact James Schutz at 404.885.3498.

Respectfully submitted,

By: /James E. Schutz, Reg. No. 48,658/

James E. Schutz
Registration No. 48,658
Attorney for Applicant

Troutman Sanders LLP
600 Peachtree Street, NE
Suite 5200
Atlanta, Georgia 30308-2216
(404) 885-3498